IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 14165 of 2007(J)

PETITIONER:

MANGALADAN ISMAIL, S/O. ERAMOOTTY,
AGED 43 YEARS, NUNINTEKARAMMEL HOUSE,
MALLANNOOR P.O., NIRMALAGIRI (VIA),
KANNUR DISTRICT (NOW WORKING AS PEON (TEMPORARY)
KANNUR UNIVERSITY).

BY ADV. SRI.SARVOTHAMAN

RESPONDENTS:

1. THE REGISTRAR, KANNUR UNIVERSITY,
(MAIN CAMPUS), MANGATTUPARAMBA, KANNUR.

2. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
SOCIAL WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF LOCAL SELF GOVERNMENT INSTITUTIONS,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM.

4. THE DISTRICT COLLECTOR, KANNUR.

BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY
ADV.SRI.T.T.MUHAMOOD, Sr. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the disability certificate issued by the Board of members chaired by the Deputy Director of Health Services of Superintendent, General Hospital, Thalassery.

Ext.P2: Photocopy of the memo issued from the office of the 1st respondent bearing order No.AdC2/2540/2006 dated 30.10.2006.

Ext.P2(a): Photocopy of the order bearing No. Ad/C2/2540/2006 dated 19.12.2006 issued by the 1st respondent in respect of temporary appointment of peon in Kannur University.

Ext.P3: Photocopy of the discharge certificate dated 29.3.1989 issued by the Director, Payyannur Khadi Centre, Payannur.

Ext.P4: Photocopy of the dishcarge certificate dated 4.5.1991 issued by the Assistant Executive Engineer W.S. W.S.Aug. Sub Division, Mattannur.

Ext.P5: Photocopy of the discharge certificate issued by the Secretary Aralam Grama Panchayat dated 13.12.1999.

Ext.P5(a): Photocopy of the appointment order No.E1-2159/99 dated 7.6.1999 by the Deputy Director of Panchayat, Kannur.

Ext.P6: Photocopy of the discharge certificate dated 29.12.2000 issued by the Thahasildar, Thalassery.

Ext.P7: Photocopy of the discharge certificate, dated 14.9.2001 issued by the Taluk Supply Officer, Kannur.

Ext.P8: Photocopy of the discharge certificate dated 22.10.2002 issued by the Principal Government College of Teacher Education, Thalassery.

Ext.P9: Photocopy of the discharge certificate issued by the Principal, Krishna Menon Memorial Government Women's College, Kannur dated 19.4.2003.

Ext.P10: Phtocopy of the discharge certificate dated 10.12.2004 issued by the District Executive Officer.

Ext.P11: Photocopy of the Government Order No.G.O.(P) No.33/2005/SWD dated 5.3.2005.

Ext.P12: Photocopy of the communication of the petitioner dated 23.11.2004 sent to the Honourable Chief Minister of Kerala.

Ext.P13: Photocopy of the communication issued to the petitioner by Under Secretary to the Government by letter No.7662/A2/2006 dated 20.11.2006.

Ext.P14: Photocopy of the representation dated 17.4.2007 before the 1st respondent.

Ext.P14(a): Photocopy of the postal receipt evidencing the dispatch under certificate of posting to the concerned authorities dated 18.4.2007.

Ext.P15: Photocopy of the G.O.(P)no.20/98/P&ARD dated 14.7.1998.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.14165 OF 2007

Dated this the 11th day of June, 2007

JUDGMENT

Petitioner was admittedly appointed on a temporary basis for 179 days in consonance with rule 9 of Kerala State and Subordinate Service Rules. It is also beyond controversy that petitioner has already completed 179 days. However, he is now continuing in service on the basis of the interim order passed by this court.

2. Having heard learned counsel for the petitioner and having perused the order of appointment, I am not satisfied that the petitioner is entitled to get any relief in this writ petition. It is contented by petitioner that he is a handicapped person and therefore he is entitled to get the benefit of Ext.P11 order, particularly in view of his earlier engagement in the service of the Government. I do not find any reason why the petitioner should be allowed to continue in the University at this stage on the strength of Ext.P11 order. If

the petitioner moves the appropriate authority in this regard, it shall be considered in accordance with law.

Writ petition fails and it is therefore dismissed.

A.K.BASHEER, JUDGE

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